

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQ Delta, LLC,
Plaintiff,

v.

CommScope Holding Company, Inc., *et al.*,
Defendants.

Civil Action No.: 2:21-CV-00310-JRG
(Lead Case)

TQ Delta, LLC,
Plaintiff,

v.

Nokia Corp., *et al.*,
Defendants.

Civil Action No.: 2:21-CV-00309-JRG
(Member Case)

JOINT MOTION TO AMEND DOCKET CONTROL ORDER

Plaintiff TQ Delta, LLC. and Defendants CommScope Holding Company, Inc., *et al.* and Nokia Corp., *et al.* (collectively “the Parties”) hereby file this Joint Motion to Amend the Docket Control Order. (Dkt. No.62).

The parties have met and conferred and are in agreement with the proposed extensions of deadlines as outlined below, which moves the close of fact discovery back 4 days, opening expert reports back by 14 days, dispositive motions back by 4 days (from a Monday to a Friday). The parties believe there is good cause for this 4-day extension to the dispositive motion deadline. It will only slightly alter the schedule, but it will provides the parties enough time to complete discovery and prepare any briefing following the close of expert discovery.

Current Deadline	Proposed Deadline	Event
October 11, 2022	October 14, 2022	*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. ¹ Motions for Summary Judgment shall comply with Local Rule CV-56.
September 26, 2022	September 30, 2022	*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
September 26, 2022	September 30, 2022	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. <u>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
September 19, 2022	September 23, 2022	Deadline to Complete Expert Discovery
September 6, 2022	September 20, 2022	Serve Disclosures for Rebuttal Expert Witnesses
August 15, 2022	August 29, 2022	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
August 15, 2022	August 19, 2022	Deadline to Complete Fact Discovery and File Motions to Compel Discovery

¹ The parties are directed to Local Rule CV-7(d), which provides in part that “[a] party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.” If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

The parties seek these extensions of time not for delay, but for good cause so that justice may be served. The parties believe a short extension on the deadlines is appropriate.

These extensions will not affect the remaining dates in the Court's Docket Control Order. Accordingly, the parties respectfully request that the Court amend the Docket Control Order (Dkt. No. 62) as provided above.

<p>Dated: August 2, 2022</p> <p>By: <u>/s/ William E. Davis, III</u></p> <p>William E. Davis, III Texas State Bar No. 24047416 bdavis@davisfirm.com</p> <p>Christian J. Hurt Texas State Bar No. 24059987 churt@davisfirm.com</p> <p>Rudolph "Rudy" Fink IV Texas State Bar No. 24082997 rfink@davisfirm.com</p> <p>Edward Chin Texas State Bar No. 50511688 echin@davisfirm.com</p> <p>Ty Wilson Texas State Bar No. 24106583 twilson@davisfirm.com</p> <p>THE DAVIS FIRM PC 213 N. Fredonia Street, Suite 230 Longview, Texas 75601 Telephone: (903) 230-9090 Facsimile: (903) 230-9661</p> <p>ATTORNEYS FOR PLAINTIFF TQ DELTA, LLC.</p>	<p>By: <u>/s/ M. Scott Stevens</u> <u>(with permission)</u></p> <p>M. Scott Stevens NC Bar # 37828 Karlee Wroblewski NC Bar # 55043 Nicholas C. Marais NC Bar # 53533</p> <p>ALSTON & BIRD LLP One South at the Plaza 101 South Tryon Street, Suite 4000 Charlotte, North Carolina 28280 Tel: 704.444.1000 Fax: 704.444.1111</p> <p>John D. Haynes GA Bar #340599 ALSTON & BIRD LLP One Atlantic Center 1201 West Peachtree St. NE Tel: (404) 881-7000 Fax: (404) 881-7777</p> <p>Sam Bragg TX Bar # 24097413 ALSTON & BIRD LLP Chase Tower 2200 Ross Avenue, Suite 2300</p>	<p><u>/s/ Andrew Ong</u> <u>(with permission)</u></p> <p>Eric H. Findlay Texas State Bar No. 00789886 Brian Craft Texas State Bar No. 04972020 FINDLAY CRAFT, P.C. 102 N. College Ave. Suite 900 Tyler, Texas 75702 Tel: (903) 534-1100 Fax: (903) 534-1137 efindlay@findlaycraft.com bcraft@findlaycraft.com</p> <p>Douglas J. Kline Christie Larochelle GOODWIN PROCTER LLP 100 Northern Avenue Boston, MA 02210 P: (617) 570-1000 F: (617) 523-1231 dkline@goodwinlaw.com clarochelle@goodwinlaw.com</p> <p>Brett Schuman Rachel M. Walsh GOODWIN PROCTER LLP Three Embarcadero Center, 28th Floor San Francisco, CA 94111 P: (415) 733-6000 F: (415) 677-9041 bschuman@goodwinlaw.com</p>
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document and all attachments thereto are being filed electronically in compliance with Local Rule CV-5(a). As such, this document is being served this August 2, 2022, on all counsel of record, each of whom is deemed to have consented to electronic service. L.R. CV-5(a)(3)(A).

/s/ William E. Davis, III
 William E. Davis, III

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel have complied with the meet-and-confer requirements of Local Rule CV-7(h) and (i) and that the foregoing motion is joined in its entirety by Plaintiff TQ Delta, LLC, the Nokia Defendants and the CommScope Defendants.

/s/ Rudolph Fink IV
 Rudolph Fink IV